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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,957	12/07/2001	Raymond P. Vander Veen	555255012303	7353
7590	07/05/2005		EXAMINER	
David B. Cochran, Esq. Jones, Day, Reavis & Pogue North Point, 901 Lakeside Ave. Cleveland, OH 44114			TAYLOR, BARRY W	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*Supplements***Office Action Summary**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/016,957	VANDER VEEN ET AL.	
	<b>Examiner</b> Barry W Taylor	<b>Art Unit</b> 2643	

**Period for Reply**

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 13 January 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 7-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 7-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12/7/01 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

# Supplemental

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## DETAILED ACTION

1. The Examiner's previous Office Action made final on (6/17/05) is vacated. It was brought to the Examiner's attention on 6/27/05 that the Examiner made an error by sending the previous non-final as a response to Applicant's amendment dated 1/13/05. Therefore, the Examiner is sending a supplemental Final Office Action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 7-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim et al (6,643,528 hereinafter Shim) in view of Colonna et al (6,115,620 hereinafter Colonna) further in view of Bach et al (6,757,534 hereinafter Bach).

Regarding claim 7. Shim teaches an integrated radiotelephone holster wherein when the radiotelephone is placed into holster, the phone enters into different modes of operation including: power save mode, answer mode (e.g. receiving incoming call, voice or data), deactivated state (e.g. terminate call), phone mail or other desired functions (abstract, col. 2 lines 8-29, col. 3 lines 37-53). Shim discloses sensing when phone is removed from holster wherein the speaker function is automatically disabled (col. 4 lines 7-16) and when phone is placed into holster the phone enters idle mode (see sleep mode col. 4 line 22). Shim further discloses that when in power-conservation mode and still in holster and incoming call (i.e. voice or data) is received the phone advises the user wearing the holster of incoming call and powers the audio appliance for user to use in responding to call (col. 4 line 40 – col. 5 line 3). Shim discloses other components may be reactivated when incoming call received, for example visual alerts, displays, touch sensitive screen, etc. (col. 5 lines 3-15).

Shim fails to show using magnet for sensing phone is in holster.

Colonna teaches a mode-switchable communication device having standby mode, private mode (i.e. normal mode), and speakerphone mode (abstract). Colonna discloses the phone is capable of voice and data mode, email and fax capability (col. 2 lines 55-60). Colonna discloses the holster contains magnet (col. 3 lines 33-52, col. 4 lines 50-65) that provides an override signal to controller. Colonna discloses that by

using magnet in holster (col. 6 lines 12-34) allows phone to be detected and when phone is removed from holster the phone automatically reverts to private mode (i.e. normal mode). Furthermore, Colonna teaches delaying while controller converts and formats incoming signals received from antenna enabling the signal to be formatted into recognizable voice or data information (see at least col. 3 lines 8-32).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Colonna to use magnet in holster enabling the phone to detect when removed from holster to thereby automatically enter in to answer mode.

Shim in view of Colonna fail to teach user-selected group of phone numbers.

Bach teaches a cellular phone with special standby feature (title, abstract) wherein communication is automatically established upon receipt of call and blocking incoming calls if the number is on user-selected list (abstract, col. 1 lines 40-50) thereby reducing distractions in meetings when a cellular phone receives an incoming call (co. 1 line 65 – col. 2 line 9). Bach further teaches the cell phone may ring or vibrate to indicate incoming call (col. 2 lines 10-26). Bach teaches the user can preprogram the cell phone to accept certain calls and reject others (col. 2 lines 26-41, col. 3 lines 1-63, col. 4 lines 18-44). Bach allows user to program cell phone to automatically accept the call (col. 2 lines 42-56). Bach allows user to preprogram the cell phone to block all incoming calls for a specified period (col. 4 lines 4-17).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Bach into the teachings of Shim in view of Colonna in order to reduce distractions in meetings when cell phone receives an incoming call as disclosed by Bach.

Regarding claim 8. Shim teaches automatically opening the received data message and displaying it to the user (col. 2 lines 8-29, col. 3 lines 37-53, col. 4 line 32 – col. 5 line 3). Colonna discloses that by using magnet in holster (col. 6 lines 12-34) allows phone to be detected and when phone is removed from holster the phone automatically reverts to private mode (i.e. normal mode). Furthermore, Colonna teaches delaying while controller converts and formats incoming signals received from antenna enabling the signal to be formatted into recognizable voice or data information (see at least col. 3 lines 8-32).

Regarding claim 9. Shim teaches automatically answering voice call (col. 2 lines 8-29, col. 3 lines 37-53, col. 4 line 32 – col. 5 line 3). . Colonna discloses that by using magnet in holster (col. 6 lines 12-34) allows phone to be detected and when phone is removed from holster the phone automatically reverts to private mode (i.e. normal mode). Furthermore, Colonna teaches delaying while controller converts and formats incoming signals received from antenna enabling the signal to be formatted into recognizable voice or data information (see at least col. 3 lines 8-32).

Regarding claim 10. Shin teaches displaying caller identification information (col. 5 lines 3-15). Colonna also converts incoming signals received via antenna so that it

may be presented to user display (col. 3 lines 8-22, see item 208 figures 2-3, col. 4 lines 28-30).

Method claim 16 is rejected for the same reasons as method claims 7 and 8 since claim 16 is the combination of claims 7 and 8.

3. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim et al (6,643,528 hereinafter Shim) in view of Colonna et al (6,115,620 hereinafter Colonna) further in view of Breamer (6,018,671).

Regarding claim 11. Shim teaches an integrated radiotelephone holster wherein when the radiotelephone is placed into holster, the phone enters into different modes of operation including: power save mode, answer mode (e.g. receiving incoming call, voice or data), deactivated state (e.g. terminate call), phone mail or other desired functions (abstract, col. 2 lines 8-29, col. 3 lines 37-53). Shim discloses sensing when phone is removed from holster wherein the speaker function is automatically disabled (col. 4 lines 7-16) and when phone is placed into holster the phone enters idle mode (see sleep mode col. 4 line 22). Shim further discloses that when in power-conservation mode and still in holster and incoming call (i.e. voice or data) is received the phone advises the user wearing the holster of incoming call and powers the audio appliance for user to use in responding to call (col. 4 line 40 – col. 5 line 3). Shim discloses other components may be reactivated when incoming call received, for example visual alerts, displays, touch sensitive screen, etc. (col. 5 lines 3-15).

Shim fails to show using magnet for sensing phone is in holster.

Colonna teaches a communication device having standby mode, private mode (i.e. normal mode), and speakerphone mode (abstract). Colonna discloses the phone is capable of voice and data mode, email and fax capability (col. 2 lines 55-60). Colonna discloses the holster contains magnet (col. 3 lines 33-52, col. 4 lines 50-65) that provides an override signal to controller. Colonna discloses that by using magnet in holster (col. 6 lines 12-34) allows phone to be detected and when phone is removed from holster the phone automatically reverts to private mode (i.e. normal mode). Furthermore, Colonna teaches delaying while controller converts and formats incoming signals received from antenna enabling the signal to be formatted into recognizable voice or data information (see at least col. 3 lines 8-32).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Colonna to use magnet in holster enabling the phone to detect when removed from holster to thereby automatically enter in to answer mode.

Shim in view of Colonna fail to teach prompting user.

Breamer teaches mobile phone having silent alert allowing the device to signal the user of incoming call without an audible alert (title, abstract). Breamer teaches that prompts may be provided to both the called and calling party (columns 3-4, col. 5 lines 7-17) allowing for called party to look at received caller identification before answering incoming call.

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Breamer into the teachings of Shim in view of Colonna in order provide user with silent alert before deciding whether or not they want to accept the call as taught by Breamer.

Regarding claim 12. Breamer teaches displaying caller id so that called party can decide whether or not to answer incoming phone call (see at least col. 3 line 7-17).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shim et al (6,643,528 hereinafter Shim) in view of Colonna et al (6,115,620 hereinafter Colonna) further in view of Breamer (6,018,671) and Finch et al (5,542,105 hereinafter Finch).

Regarding claim 13. Shem in view of Colonna and Breamer do not explicitly show detecting phone placed in holster and automatically ending the voice call.

Finch also teaches position sense radio carry case which can automatically adjust radio control functions such as telephone hang-up or illumination levels (abstract) by using magnet in holster (see 38 figure 2, col. 2 lines 2-60) and magnet sense circuitry in telephone (see 14 figure 1). Finch discloses that by using magnet and sense circuitry in telephone makes telephones more reliable since there is no need for moving mechanical switches to detect if phone placed into holster (col. 1 lines 42-49).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Shim in view of Colonna and Breamer to use magnet in holster as taught by Finch for the benefit of sensing when

phone placed into holster so that telephone hang-up occurs automatically thereby saving battery life.

5. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim et al (6,643,528 hereinafter Shim) in view of Colonna et al (6,115,620 hereinafter Colonna) further in view of Breamer (6,018,671) and Bach et al (6,757,534 hereinafter Bach).

Regarding claim 14. Shim in view of Colonna and Breamer fail to teach user-selected group of phone numbers.

Bach teaches a cellular phone with special standby feature (title, abstract) wherein communication is automatically established upon receipt of call and blocking incoming calls if the number is on user-selected list (abstract, col. 1 lines 40-50) thereby reducing distractions in meetings when a cellular phone receives an incoming call (co. 1 line 65 – col. 2 line 9). Bach further teaches the cell phone may ring or vibrate to indicate incoming call (col. 2 lines 10-26). Bach teaches the user can preprogram the cell phone to accept certain calls and reject others (col. 2 lines 26-41, col. 3 lines 1-63, col. 4 lines 18-44). Bach allows user to program cell phone to automatically accept the call (col. 2 lines 42-56). Bach allows user to preprogram the cell phone to block all incoming calls for a specified period (col. 4 lines 4-17).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Bach into the teachings of Shim in view of

Colonna and Breamer in order to reduce distractions in meetings when cell phone receives an incoming call as disclosed by Bach.

Regarding claim 15. Bach teaches ringing or vibrating phone to indicate incoming call (col. 2 lines 10-26).

***Response to Arguments***

6. Applicant's arguments with respect to claims 7-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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